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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,321	08/27/2003	Jung-Ho Kim	1594.1265	5315

21171 7590 10/04/2006

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

DWIVEDI, VIKANSHA S

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,321

Applicant(s)

KIM ET AL.

Examiner

Vikansha S. Dwivedi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/27/2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Since new grounds of rejection have been necessitated by the applicant's amendments, **this office action is being made final.**

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 7 and 10 are rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Pedrotti et al. (U.S. patent number 6,862,403 B2).

Pedrotti et al. discloses an air circulating device, comprising: a housing (110) having an air inlet port (280) and an air outlet port (310) arranged to be in and/or closely adjacent with opposing surfaces of the housing (110, shown in Figure 1 and opposing surfaces of the housing shown in Figure 3), respectively, with a plug (230) provided on a surface of the housing to be connected to a power source (Shown in figure 2); fan (260) within the housing operable with power from the power source; wherein the air circulating device is configured to be structurally supported by the plug (230) when connected to the wall outlet; further comprising a socket provided at a surface of the housing, thus allowing a plug of another electrical device to be connected to the socket (Column 1, lines 55-56, also shown in Figure 1, as 160); wherein the housing further comprises a unit (120) to

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support a scented material, to affect the olfactory quality of the circulated air (Column 3, lines 13-23).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being obvious over Pedrotti et al.

With regard to Claim 8 Pedrotti et al. does not disclose a an air circulating device wherein the socket (as above) is provided opposite to the surface of the housing having the plug, regarding this claim, there is no criticality or unexpected or non-obvious advantage over choosing one design over the other. The applicant's specification does not state this limitation as serving any advantage or particular purpose or solving any stated problem. The prior art reference could have been modified by providing the socket opposite to the surface of the housing having the plug without changing any significant functional feature. The socket provided opposite to the surface of the housing having the plug is therefore mere design choice and not a critical aspect of the claimed invention or the prior art.

Claims 2, 3 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Pedrotti et al. in view of Hilleman (U.S. Patent number 6,725,797).

Pedrotti et al. does not disclose an air circulating device wherein the inlet port is provided at the front of the housing, and the outlet port is provided on a rear circumferential surface of the housing such that air drawn in the inlet port and out the outlet port is forced out the outlet port in a direction substantially parallel to a surface supporting a power outlet. Hilleman provides teaching for inlet port (96) is provided at the front of the housing, and the outlet port (50) is provided on rear circumferential surface of the housing such that fluid drawn in the inlet port and out the outlet port is forced out the outlet port in a direction substantially parallel to a surface of the structure. He explains that this design choice helps lower frontal drag and creates a positive circulation (Column 7, lines 22-30). Teachings of Hilleman will help to cure deficiencies of Pedrotti et al. and can be used towards an air circulating device wherein the inlet port is provided at the front of the housing, and the outlet port is provided on rear circumferential surface of the housing for the purposes of reducing drag and providing better air-circulation. Regarding Claim 3, Pedrotti et al. discloses the housing with two casings, front and rear, as shown in Figure 3, it does not disclose an inlet in the front casing and the outlet in the rear casing. Hilleman as described above discloses the same and also provides motivation to do so.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pedrotti et al. in view of Olivier (U.S. Patent number 6,769,140 B1).

Pedrotti et al. discloses the claimed invention substantially except a mode switch, which selectively controls the air movement direction. Olivier discloses a switch that is capable of causing the control means to activate the drive motor to rotate a fan (50) in clockwise

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and anti-clockwise directions (Column 5, lines 60-63). Mode switches have been commonly used in ceiling fans to change the rotational motion of ceiling fans to circulate air in desired direction depending on the season, Olivier discloses this concept of selectively controlling the air movement direction in a small fan and therefore it would have been obvious to use a mode switch, which selectively controls the air movement direction as disclosed by Olivier in view of Pedrotti et al. to create air-circulation in the desired direction.

Claim 5, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pedrotti et al. in view of Olivier further in view of Hilleman.

As explained above over Pedrotti et al. in view of Olivier discloses the claimed invention substantially, Hilleman provides teaching for inlet port (96) is provided at the front of the housing, and the outlet port (50) is provided on rear circumferential surface of the housing such that fluid drawn in the inlet port and out the outlet port is forced out the outlet port in a direction substantially parallel to a surface of the structure. He explains that this design choice helps lower frontal drag and creates a positive circulation (Column 7, lines 22-30). Teachings of Hilleman will help to cure deficiencies of Pedrotti et al. in view of Olivier.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pedrotti et al. in view of Apple (U.S. Patent number 5,833,349).

As explained above over Pedrotti et al. discloses the claimed invention substantially except a timer to operate the time of the blowing fan. Apple in the background and information disclosure talks about disadvantages of prior art and explicitly mentions that

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wall socket plug-in night lamps with timers that limit the on time of night light are well known in the art, since wall socket mounted freshener assembly (air circulating device) and wall socket plug-in night lamps are in the similar field of endeavor, it would have been obvious to use the known night light timers in the air circulating device to control the running time of the fan.

Conclusion

No Claims Allowed.

Claims 1-10, 13 and 14 are rejected.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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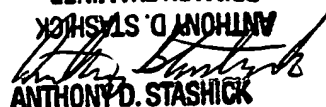
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikansha S. Dwivedi whose telephone number is 571-272-7834. The examiner can normally be reached on M-F, 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



VSD

PRIMARY EXAMINER
ANTHONY D. STASHICK

ANTHONY D. STASHICK
PRIMARY EXAMINER